

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

7+

Application Number

10/625,503

Filing Date

July 22, 2003

First Named Inventor

Randall J. Huebner

Art Unit

3732

Examiner Name

Unknown

Attorney Docket Number

ACM 349

ENCLOSURES (Check all that apply)

Fee Transmittal Form



Fee Attached



Amendment/Reply



After Final



Affidavits/declaration(s)



Extension of Time Request



Express Abandonment Request

Information Disclosure Statement
(Third Supplemental)Certified Copy of Priority
Document(s)Reply to Missing Parts/
Incomplete ApplicationReply to Missing Parts
under 37 CFR 1.52 or 1.53

Drawing(s)



Licensing-related Papers



Petition

Petition to Convert to a
Provisional Application

Power of Attorney, Revocation



Change of Correspondence Address



Terminal Disclaimer



Request for Refund



CD, Number of CD(s) _____

☐ Landscape Table on CD

Remarks



After Allowance Communication to TC

Appeal Communication to Board
of Appeals and InterferencesAppeal Communication to TC
(Appeal Notice, Brief, Reply Brief)

Proprietary Information



Status Letter

Other Enclosure(s) (please identify
below):

1. PTO 1449 Form(4)

2. Copies of References (3)

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name

Kolisch Hartwell, P.C.

Signature

Printed name

James R. Abney

Date

January 9, 2006

Reg. No.

42,253

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature

Typed or printed name

Lisa Holstein

Date

January 9, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Date: January 9, 2006

RANDALL J. HUEBNER, DAVID G. JENSEN
and HERBERT RESPESS

Serial No. : 10/625,503

Group Art Unit 3732

Filed : July 22, 2003

For : BONE FUSION SYSTEM

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

THIRD SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. §§ 1.56, 1.97, and 1.98

Applicants are submitting this Third Supplemental Information Disclosure Statement pursuant to 37 C.F.R. §§ 1.56, 1.97, and 1.98 to disclose to the U.S. Patent and Trademark Office the patents, publications, applications, and/or other references listed on the enclosed, completed PTO-1449 form(s). The filing of this Third Supplemental Information Disclosure Statement should not be construed as a representation that a search has been made or as an admission that the listed references are prior art for this application. Applicants respectfully request that the listed references be expressly considered during prosecution of the application, and that the references be made of record therein and appear among the "references cited" on any patents issuing therefrom.

CONTENT OF DISCLOSURE

This Third Supplemental Information Disclosure Statement includes (1) four pages of PTO-1449 forms, and (2) a legible copy of each foreign and non-patent reference, if any, listed

on the form(s). However, because this application was filed on or after July 1, 2003, no copies of U.S. patents or published U.S. patent applications are included.

FOREIGN-LANGUAGE REFERENCES

A concise explanation of the relevance of each listed reference not in the English language follows:

European Patent No. EP 0415837 A2 - This document appears to disclose a bone fixation device, as illustrated in the figures.

TIMING OF DISCLOSURE / FEE INFORMATION

This Third Supplemental Information Disclosure Statement is being filed, to the best of the undersigned's knowledge, either (1) before the mailing of a first Office action on the merits, or (2) before the mailing of a first Office action after the filing of a request for continued examination under 37 C.F.R. § 1.114. Therefore, in accordance with 37 C.F.R. § 1.97(b), no fee or statement under 37 C.F.R. § 1.97(e) is required.

Please contact the undersigned with any questions or comments regarding this Third Supplemental Information Disclosure Statement.

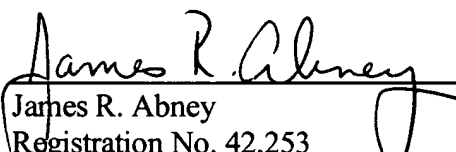
CERTIFICATE OF MAILING

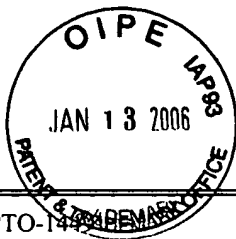
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on January 9, 2006.


Lisa Holstein

Respectfully submitted,

KOLISCH HARTWELL, P.C.


James R. Abney
Registration No. 42,253
Customer No. 23581
520 S.W. Yamhill Street, Suite 200
Portland, Oregon 97204
Telephone: (503) 224-6655
Facsimile: (503) 295-6679
Attorney for Applicant/Assignee



| | | |
|---|---|----------------------------------|
| FORM PTO-1449 INFORMATION DISCLOSURE CITATION IN AN APPLICATION | DOCKET NUMBER ACM 349 | APPLICATION NUMBER 10/625,503 |
| | APPLICANT(S) Randall J. Huebner et al. | |
| | FILING DATE July 22, 2003 | GROUP ART UNIT 3732 |

U.S. PATENT DOCUMENTS

| EXAMINER INITIAL | DOCUMENT NUMBER | DATE | NAME | CLASS | SUB CLASS | FIL. DATE IF APPROP. |
|---------------------|--------------------|----------|----------------|-------|--------------|-------------------------|
| | 1,345,425 | 7/6/20 | Wells | | | |
| | 3,244,170 | 4/5/66 | McElvenny | | | |
| | 3,346,894 | 10/17/67 | Lemelson | | | |
| | 3,386,437 | 6/4/68 | Treace | | | |
| | 3,604,414 | 9/14/71 | Borges | | | |
| | 3,842,825 | 10/22/74 | Wagner | | | |
| | 4,119,092 | 10/10/78 | Gil | | | |
| | 4,750,481 | 6/14/88 | Reese | | | |
| | 4,903,691 | 2/27/90 | Heinl | | | |
| | 4,905,679 | 3/6/90 | Morgan | | | |
| | 5,021,056 | 6/4/91 | Hofmann et al. | | | |
| | 5,085,660 | 2/4/92 | Lin | | | |

FOREIGN PATENT DOCUMENTS

| | DOCUMENT NUMBER | DATE | COUNTRY | CLASS | SUB CLASS | TRANSLATION | |
|--|--------------------|----------|---------|-------|--------------|-------------|----|
| | | | | | | YES | NO |
| | EP 0415837 A2 | 3/6/91 | Europe | | | | X |
| | WO 03/105712 A2 | 12/24/03 | WIPO | | | X | |
| | | | | | | | |

OTHER DOCUMENTS

| | |
|--|---|
| | Mifx Dorsal IM Plate, brochure, DVO Extremity Solutions, September, 2005. |
| | |

| | |
|----------|-----------------|
| EXAMINER | DATE CONSIDERED |
|----------|-----------------|

| | | | | | | |
|---|--------------------|----------|---|-----------------|----------------------------------|----------------------------|
| FORM PTO-1449 INFORMATION DISCLOSURE CITATION IN AN APPLICATION | | | DOCKET NUMBER ACM 349 | | APPLICATION NUMBER 10/625,503 | |
| | | | APPLICANT(S) Randall J. Huebner et al. | | | |
| | | | FILING DATE July 22, 2003 | | GROUP ART UNIT 3732 | |
| U.S. PATENT DOCUMENTS | | | | | | |
| EXAMINER INITIAL | DOCUMENT NUMBER | DATE | NAME | CLASS | SUB CLASS | FIL. DATE IF APPROP. |
| | 5,176,685 | 1/5/93 | Rayhack | | | |
| | 5,254,119 | 10/19/93 | Schreiber | | | |
| | 5,413,579 | 5/9/95 | Du Toit | | | |
| | 5,601,553 | 2/11/97 | Trebing et al. | | | |
| | 5,709,686 | 1/20/98 | Talos et al. | | | |
| | 5,722,978 | 3/3/98 | Jenkins, Jr. | | | |
| | 5,951,557 | 9/14/99 | Luter | | | |
| | 5,968,046 | 10/19/99 | Castleman | | | |
| | 6,004,353 | 12/21/99 | Masini | | | |
| | 6,007,535 | 12/28/99 | Rayhack et al. | | | |
| | 6,027,504 | 2/22/00 | McGuire | | | |
| FOREIGN PATENT DOCUMENTS | | | | | | |
| | DOCUMENT NUMBER | DATE | COUNTRY | CLASS | SUB CLASS | TRANSLATION YES NO |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| OTHER DOCUMENTS | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| EXAMINER | | | | DATE CONSIDERED | | |

| FORM PTO-1449 | | DOCKET NUMBER ACM 349 | | APPLICATION NUMBER 10/625,503 | | | |
|--|--------------------|---|------------------|----------------------------------|--------------|-------------------------|--|
| INFORMATION DISCLOSURE CITATION IN AN APPLICATION | | APPLICANT(S) Randall J. Huebner et al. | | | | | |
| | | FILING DATE July 22, 2003 | | GROUP ART UNIT 3732 | | | |
| U.S. PATENT DOCUMENTS | | | | | | | |
| EXAMINER INITIAL | DOCUMENT NUMBER | DATE | NAME | CLASS | SUB CLASS | FIL. DATE IF APPROP. | |
| | 6,093,188 | 7/25/00 | Murray | | | | |
| | 6,129,730 | 10/10/00 | Bono et al. | | | | |
| | 6,159,213 | 12/12/00 | Rogozinski | | | | |
| | 6,322,562 | 11/27/01 | Wolter | | | | |
| | 6,623,486 | 9/23/03 | Weaver et al. | | | | |
| | 6,689,139 | 2/10/04 | Horn | | | | |
| | 6,730,091 | 5/4/04 | Pfefferle et al. | | | | |
| | 6,821,278 | 11/23/04 | Frigg et al. | | | | |
| | 6,955,677 | 10/18/05 | Dahners | | | | |
| | 2002/0004660 | 1/10/02 | Henniges et al. | | | | |
| | 2002/0128654 | 9/12/02 | Steger et al. | | | | |
| FOREIGN PATENT DOCUMENTS | | | | | | | |
| | DOCUMENT NUMBER | DATE | COUNTRY | CLASS | SUB CLASS | TRANSLATION YES NO | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| OTHER DOCUMENTS | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| EXAMINER | | | | DATE CONSIDERED | | | |

| FORM PTO-1449 INFORMATION DISCLOSURE CITATION IN AN APPLICATION | | DOCKET NUMBER ACM 349 | | APPLICATION NUMBER 10/625,503 | | | |
|---|--------------------|---|----------------|----------------------------------|--------------|-------------------------|--|
| | | APPLICANT(S) Randall J. Huebner et al. | | | | | |
| | | FILING DATE July 22, 2003 | | GROUP ART UNIT 3732 | | | |
| U.S. PATENT DOCUMENTS | | | | | | | |
| EXAMINER INITIAL | DOCUMENT NUMBER | DATE | NAME | CLASS | SUB CLASS | FIL. DATE IF APPROP. | |
| | 2002/0183752 | 12/5/02 | Steiner et al. | | | | |
| | 2004/0102778 | 5/27/04 | Huebner et al. | | | | |
| | 2005/0015089 | 1/20/05 | Young et al. | | | | |
| | 2005/0085818 | 4/21/05 | Huebner | | | | |
| | 2005/0165400 | 7/28/05 | Fernandez | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| FOREIGN PATENT DOCUMENTS | | | | | | | |
| | DOCUMENT NUMBER | DATE | COUNTRY | CLASS | SUB CLASS | TRANSLATION YES NO | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| OTHER DOCUMENTS | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| EXAMINER | | | | DATE CONSIDERED | | | |